

REMARKS

STATUS OF THE CLAIMS

Claims 1-8 and 13-23 are pending in the application. The amendments to claim 1 are simply a rewording of the original claim language. These amendments do not narrow the scope of the claim 1, nor are they for reasons of patentability. In other words, the amendments to claim 1 are intended to be synonymous with the original claim 1. Claims 2 and 4-6 have been amended solely to correct a minor typographical errors and, not for reasons substantially related to patentability. In this regard, the amendments to claims 2 and 4-6 are to correct minor typographical errors.

Claims 7 and 8 have been amended to make their language consistent with that of claim 1 from which they depend, and again, not for reasons related to patentability. Claims 9-12 have been canceled without prejudice and disclaimer and solely to speed prosecution of this application. The cancellation of these claims should not be taken as acquiescence with respect to the merit of the rejections. Additionally, the Applicants reserve the right to pursue the subject matter of these claims in this or another application. Claims 16-23 are newly added.

Support for these additions and amendments is to be found at least in paragraphs 22, 24-26 and 30. Accordingly, no new matter has been added by these amendments and no estoppels are intended thereby.

OBJECTION TO THE SPECIFICATION

The specification stands objected to in the Office Action for informalities on page 17.

Page 17 has been canceled in accordance with the Examiner's suggestions. Therefore it

is respectfully submitted that the objection to the specification has been obviated. In light of the foregoing, withdrawal of the objection is respectfully requested.

OBJECTION TO THE CLAIMS

The claims 10 and 11 stand objected to in the Office Action for informalities with respect to dependency. Claims 10 and 11 have been canceled without prejudice. Therefore it is respectfully submitted that the objection to the claims 10 and 11 are moot. In light of the foregoing, withdrawal of the objection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §112, SECOND PARAGRAPH

Claims 4-6 and 12 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Claims 4-6 have been amended in accordance with the Examiner's suggestions and claim 12 has been canceled without prejudice. Therefore it is respectfully submitted that the rejection to the claims 4-6 and 12 have been obviated. In light of the foregoing, withdrawal of the rejection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 102(b) (U.S. Patent No. 5,656,368 to David L. Braun et al.)

Claims 1-4, 6-8 and 13-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,656,368 to David L. Braun et al. (Braun). The Applicants respectfully traverse this rejection. The Applicants submit that the invention as recited in claim 1 is patentably distinct from Braun and thus, respectfully requests reconsideration and withdrawal of the rejection to claim 1 and the claims that depend therefrom.

Claims 1 recites, *inter alia*, the filter medium comprising at least two filter layers, wherein each layer of the at least two filter layers has a different respective filtering property. In contrast, Braun is directed to a nonwoven web of polymeric microfiber (NWPM) secured to a means for retaining the corrugated shape of the NWPM (see Column 6, lines 59-61). This means for retaining the corrugated shape of the NWPM is not a filter layer, but rather, a shape retaining means that "does not hinder fluid flow through the composite structure" (see Column 9, lines 60 to 66). Therefore, Braun is directed to a single filtering layer or a plurality of layers having the same filtering property (see FIG. 12 and Column 18, lines 27 to 44). As such, Braun fails to disclose a multilayered filter where each layer has a different filtering property.

In view of the foregoing, withdrawal of the 35 U.S.C. § 102(b) rejection to claim 1 as being anticipated by Braun is respectfully requested at least because Braun fails to disclose a filter medium comprising at least two filter layers, wherein each layer of the at least two filter layers has a different respective filtering property. Claims 2-4, 6-8 and 13-15 depend from independent claim 1. Therefore it is respectfully submitted that claims 2-4, 6-8 and 13-15 are patentable for at least the same reasons as discussed in response to the rejection of claim 1 as being anticipated by Braun. In light of the foregoing, withdrawal of the 35 U.S.C. § 102(b) rejection of claims 2-4, 6-8 and 13-15 as being anticipated by Braun is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 102(e) (U.S. Patent No. 6,451,205 to Steven B. McGaw, Jr.)

Claims 9-12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,451,205 to Steven B. McGaw, Jr. (McGaw). Claims 9-12 have been canceled without prejudice. Therefore it is respectfully submitted that the rejection to the claims 9-12 has been obviated. In light of the foregoing, withdrawal of the rejection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103(a) (Braun et al. and McGaw, Jr.)

Claims 5, and 9-12 stand rejected under 35 U.S.C. § 103(a) as being anticipated by Braun in view of McGaw. Claims 9-12 have been canceled without prejudice. Therefore it is respectfully submitted that the rejection to the claims 9-12 has been obviated. With respect to the rejection of claim 5, as claim 5 depends from independent claim 1 and as the Applicants believe that claim 1 is allowable for at least the reasons recited herein, the Applicants respectfully submit that the rejection under 35 U.S.C. § 103(a) to claim 5 is moot. Thus, the Applicants respectfully request reconsideration and withdrawal of the rejection to claim 5.

However, in the interest of being complete, the Applicants submit that the invention as recited in claim 5 is patentably distinct from either Braun or McGaw and any combination thereof. Thus, the Applicants respectfully request reconsideration and withdrawal of the rejection to claim 5 in light of the following comments.

Claim 5 recites, *inter alia*, the filter medium comprising at least two filter layers, wherein each layer of the at least two filter layers has a different respective filtering property. As described herein, Braun fails to disclose a filter medium comprising at least two filter layers, wherein each layer of the at least two filter layers has a different respective filtering property. In addition, McGaw fails to make up for the deficiencies of Braun. In this regard, McGaw discloses a filtration media consisting of a stratified spun-bond polyester material and a mesh of Naltex® (see Column 4, lines 14-29). As is generally known to those of ordinary skill in the art, Naltex® is used throughout the filtration industry as a spacer or sleeve in spiral wound or pleated filter cartridges. Naltex® is used to protect and support the outside of a cartridge device. Naltex® sleeving offers the strength and resistance required for demanding filtration applications (see www.Naltex.com). Furthermore, Naltex® is specifically not a filter media, but rather, a support structure for filter media. As such, McGaw is directed to a filter medium with a single filtering layer attached to a supporting mesh, and not, a filter medium comprising at least two filter layers, wherein each layer of the at least two filter layers has a different respective filtering property. In this regard and as is stated in M.P.E.P. 706.02(j), "To establish a *prima facie* case of obviousness . . . the prior art reference (or references when combined) must teach or suggest all the claim limitations." As, neither Braun nor McGaw taken alone or in combination disclose a filter medium comprising at least two filter layers, wherein each layer of the at least two filter layers has a different respective filtering property, it is respectfully submitted that a *prima facie*

case of obviousness has not been established. Therefore, the Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 103(a) to claim 5.

It is respectfully submitted that the application is now in condition for allowance. If it is believed that any further issue exists, the Examiner is invited to contact the undersigned agent by telephone if it is believed that such contact will expedite the prosecution of the application.

In the event this response is not timely received or an extension is required, the Applicants petition for an appropriate extension of time. Any additional fees may be charged to or overpayment credited to Deposit Account No. 50-2036.

Respectfully submitted,

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